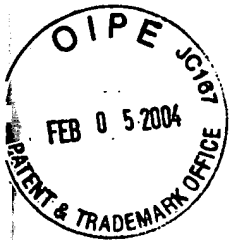


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Appl. No. 09/579,371

Attorney Docket APP 1211

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

K. Kant et al

Appl. No. 09/570,371

Filed: May 26, 2000

Title: Method and System for Measuring
IP Performance Metrics

Art Unit: 2666

Examiner: Shick C. Hom

DECLARATION
37 C.F.R. 1.131

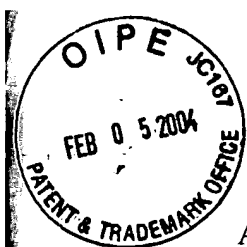
I, Richard C. Lau of Morganville, in the County of Monmouth, and State of New Jersey, hereby declare and state that:

I am a co-inventor of the above identified patent application.

Prior to October 19, 1999, I and my co-inventors, Krishna Kant and Bruce Siegell, were employed by Telcordia Technologies, Inc., the assignee of this patent application. At that time I was the supervisor of Messrs Kant and Siegell, and we were engaged in the research and development of a system and method for measuring end-to-end IP-level performance metrics. Specifically, prior to October 19, 1999, we jointly conceived a Service Level Agreement monitoring architecture, as described in an internal Telcordia Technical Document IM-583, dated June 14, 1999, copy attached hereto and marked Exhibit I.

Further, prior to October 19, 1999, I and my co-inventors successfully operated a method and system known as IpAware, which method and system correspond to the Technical Document of Exhibit I and further are described in the above identified patent application. The operation of this method and system across several network and computer systems occurred at Telcordia facilities in New Jersey and was accomplished by August 10, 1999. The software requisite for the operation of the system and method was written by my co-workers under my supervision. Attached hereto and marked Exhibit II is one part of that software, specifically for the connect function, prepared by my co-inventor Bruce Siegell and bearing the date of July 28, 1999.

Attached hereto and marked Exhibit III is an announcement by Stanley Moyers at Telcordia, which announced that the method and system would be demonstrated and operated at the Applied Research Demo Day to be held at Piscataway, New Jersey on September 27, 1999.



I and my co-inventors participated in the demonstration and operation at the Applied Research Demo Day on September 27, 1999. The system and method operated successfully during those demonstrations. Specifically, the following, inter alia, was performed: measurement of an actual traffic-loaded network with IpAware probes implementing the system and method described in the above identified patent application, and extraction of IP-level end-to-end network performance metrics based on the IpAware measurements.

Further on October 18, 1999, I prepared a write up describing IpAware and the system and method described in the above identified patent application, a copy of which is attached hereto and marked Exhibit IV.

I hereby state that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Richard C. Lau,

Dated: Jan. 16, 2004